



U.S. Department
of Transportation

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

3/27/2019

FOIA Control Number: 2019-0118

Transmitted via Electronic Mail – Read Receipt Requested

Beryl Lipton
MuckRock News
DEPT MR 70867
411A Highland Ave
Somerville, MA 02144-2516

Dear Ms. Lipton:

This letter acknowledges receipt of and responds to your Freedom of Information Act (FOIA) request dated 3/22/2019 and received in the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) FOIA Office on 3/25/2019. You requested information “related to the funding, staffing, and activities of [PHMSA’s] FOIA Office.”

We have assigned your request with control number **2019-0118**. Please identify all communications concerning your request with this control number.

In response to your requested information:

- Budgeting. The FOIA team is located in the Office of Chief Counsel, which is funded by PHMSA’s operations expense account. PHMSA’s budget is prepared at a programmatic level that does not specifically address FOIA. Budgeting information for fiscal years 2017, 2018, and 2019 is publicly available at:
 - <https://www.transportation.gov/mission/budget/phmsa-fy-2019-budget-estimates>
 - <https://www.transportation.gov/mission/budget/phmsa-fy-2018-budget-estimates>
 - <https://www.transportation.gov/mission/budget/phmsa-fy-2017-budget-estimates>
- Staffing. PHMSA employs two Government Information Specialists (GISs) who centrally process all requests received by the agency. We located the following information regarding estimated work hours for the two GIS employees:

FY2017
GIS-1: 1872 hours
GIS-2: 1733.3 hours

FY2018
GIS-1: 1664 hours
GIS-2: 2080 hours

Contact information for the GISs actively processing FOIA requests at PHMSA follows:

Madeline Van Nostrand
202-366-0273
madeline.vannostrand@dot.gov

Pauline Byrd
202-366-2247
pauline.byrd@dot.gov

- FOIA requester fee categories. A search of PHMSA's FOIA electronic tracking system identified the following breakdown by fee category of requests received for fiscal years 2017 and 2018:

Fee Category	FY2017	FY2018
Commercial	97	98
Educational and Noncommercial Scientific Institutions	8	3
Representatives of news media	23	48
All Other	72	74

- FOIA fee waivers. For fiscal years 2017 and 2018, PHMSA granted four fee waivers in the following FOIA requests: control numbers 2018-0069, 2018-0009, 2018-0001, and 2017-0068.
- FOIA fee collection. For fiscal years 2017 and 2018, PHMSA collected \$380.01 and \$1022 in FOIA fees, respectively. PHMSA does not track fee estimates or have a way to search the FOIA system based on whether a fee was charged for a specific request.

The information provided to you in this response was processed free of charge to you.

Because PHMSA did not locate/does not track some of the information as you requested, you may consider this determination a denial of your record request and file an appeal. *See* Department of Transportation's FOIA Regulations, 49 C.F.R. § 7.31(a)(3). I am the official responsible for this determination.

If you choose to appeal, your appeal must be made in writing and postmarked or transmitted within ninety calendar days from the date of this letter. In order to be considered an official appeal, it must be addressed as follows:

Howard R. Elliott
Administrator, Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Both the appeal and the envelope should be plainly marked "FOIA APPEAL." Please make reference to your assigned FOIA Reference Number **2019-0218** so that we may identify your case promptly. In addition, you should include all information and arguments that form the basis of your appeal. For more

information on your right to an administrative appeal, refer to the Department's FOIA regulations, 49 C.F.R. § 7.32(d).

Furthermore, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation, nor does it affect the timing of filing an appeal. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

This concludes our response to your FOIA request. If you have any questions about this response, you may contact Madeline Van Nostrand, FOIA Officer, by phone at 202-366-0273 or by email to PHMSA.FOIA@dot.gov. You also may seek the services of our FOIA Public Liaison, Gordon Delcambre, Office of Governmental, International and Public Affairs, by phone at 202-366-4831 or by email to phmsapublicaffairs@dot.gov.

Sincerely,

Madeline M Van Nostrand

Digitally signed by Madeline M Van Nostrand
Date: 2019.03.27 13:13:39 -04'00'

FOIA Officer, Office of Chief Counsel
Pipeline and Hazardous Materials Safety Administration (PHMSA)